

REMARKS

Applicants respectfully request reconsideration of the present application for at least the reasons set forth below.

Claims 1-5, 8, 9, and 11-23 are pending in the application.

As discussed in the first paragraph under “Detailed description of the preferred embodiments” in the present specification, the present invention is directed to preventing or reducing secondary bleeding, also referred to as oozing, into an incision canal such as canal 7 in Figure 1.

The claims recite an elongated member which comprises threads not having haemostatic material surrounding a haemostatic core in the form of a separate elongated capsule. One embodiment of such an arrangement is shown in Fig. 6, which illustrates filaments or threads 52 surrounding a haemostatic core 53. As discussed on page 8, line 5 of the present application, the core may be a separate elongated capsule.

This arrangement provides for the precise placement of the haemostatic material in an incision canal to reduce secondary bleeding into the incision canal, while at the same time minimizing the chance that the haemostatic material will reach a portion of the body (for example, inside a blood vessel) that should not be exposed to haemostatic material. Figure 1 provides an illustration of an incision canal 7 containing an elongated member 3. As is clear from Fig. 1, the incision canal 7, which is the area of concern, is inside tissue below the surface of skin 9. Thus, the problem to be solved by the present invention is to accurately place haemostatic material in an incision canal without risking placement of the haemostatic material in the bloodstream, which could cause life-threatening blood clots, and the like.

The independent claims stand rejected based on Åkerfeldt, Torgerson, and Grafton. Other references are cited against certain dependent claims.

At the outset, it is noted that nothing in the prior art is cited as addressing the problem of secondary bleeding.

The Office Action correctly recognizes that Åkerfeldt does not disclose or suggest use of haemostatic material on an elongated member.

The Office Action cites Torgerson as disclosing a fiber which comprises a haemostatic material. Of course, Applicants admit that haemostatic materials are known. However, it is respectfully submitted that Torgerson is not relevant to the problem that is addressed and solved by the present invention because (1) Torgerson is not concerned with bleeding within tissue beneath the skin, but is directed to addressing bleeding on the surface of tissue by manually pressing a haemostatic fabric against the tissue, as discussed in the first full paragraph of column 3, and (2) as correctly recognized by the Examiner, the fiber taught by Torgerson is entirely haemostatic and lacks the claimed threads that do not have haemostatic material.

In order to address the deficiencies of Åkerfeldt and Torgerson, the Office Action relies on Grafton. The Office Action states that “Grafton teaches increasing the strength of a suture by providing a high strength cover comprising braided polyethylene fibers over a core comprising a second material.”

This statement appears to be essential to the obviousness rejection. However, it is respectfully submitted that this statement is incorrect for at least two reasons.

First, Grafton does not teach increasing the strength of a suture by providing a high strength cover over a core. As discussed in para. 0006 of Grafton, polyethylene is used to provide strength. The ultrahigh molecular weight polyethylene used in Grafton is very high strength. However, as described in para. 0008, the core is comprised substantially or entirely out of polyethylene. In contrast, the cover includes polyester and nylon fibers. Thus, the core is stronger than the cover, and the cover is not high strength.

Second, the core is not comprised of a separate material from the cover in that both the core and the cover comprise polyethylene.

Thus, it is respectfully submitted that Grafton fails to teach increasing the strength of a suture by providing a high strength cover, as suggested by the Office Action. As is clear from column 1 of Grafton, the point of the Grafton invention is to improve tie down characteristics.

The Office Action also states:

“Further, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Åkerfeldt by substituting the modified elongate member taught by Torgerson and Grafton for the elongated member 10 for purposes such as encouraging blood to coagulate, thereby preventing the vessel wall from leaking.”

However, nothing is cited in the prior art as addressing the problem of secondary bleeding. Åkerfeldt is directed primarily to an improved tool 101 or 102 which have a mechanism to automatically bring inner and outer members together. Therefore, there is nothing in the prior art which provides a suggestion, motivation, or other rationale for modifying the arrangement of Åkerfeldt. As discussed on page 6 of Åkerfeldt, lines 29 and 30, and as shown in Figs. 1 and 2, Åkerfeldt seals the blood vessel wall from both sides by contacting the vessel wall and there is nothing cited in the prior art which indicates that such an arrangement is unsatisfactory or in need of improvement.

Finally, nothing in the prior art is cited as teaching an “elongated capsule.”

Thus, it is respectfully submitted that the claims are clearly patentable over the prior art of record.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

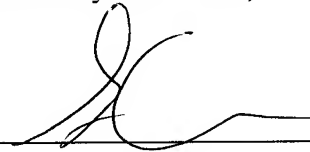
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith,

Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 9/16/09

By 

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